

REMARKS

STATUS OF APPLICATION

Claims 13-25 are currently pending. Of these, claims 13-19, 22, and 25 are rejected as anticipated by the Spicer published patent application, GB 2344026. Claims 20, 21, 23, and 24 are objected to as depending from rejected base claims, but would otherwise be allowable.

In the present Amendment, claim 13 is amended to improve its form, and to further distinguish over the prior art cited in support of the rejection, and new claims 54 and 55 are proposed to be added, to recite additional aspects of the disclosed invention. No new matter is proposed to be added.

DISCUSSION OF AMENDMENTS TO CLAIMS

In the rejection, Spicer is relied on for teachings which appear to include that of a mobile terminal receiving a signal broadcast from a service provider. A "propagation model" stored on the mobile terminal "allows the prediction of received signal strengths at a given position in a geographical area..." Page 4, lines 22-25,

In the rejection, the "propagation model" of Spicer is characterized as the claimed "model" that is provided to the claimed mobile measurement device. The "received signal strength" of Spicer is characterized as the claimed "model variable."

Claim 13 has been amended to recite additional aspects of the invention as disclosed. See, for instance, paragraph [0009] for a disclosure of "physical variables", Also, see, for instance, paragraph [0021] for disclosures of "user behavior... variables", and of various environmental variables.

Spicer is limited to the teaching that the "propagation model" pertains to signal strength from the transmitter, and gives no teaching or suggestion that the "propagation model" could be other things, such as the claimed "user behavior variables" or environmental variables such as those disclosed and claimed. Therefore, a person of ordinary skill would not have found the claimed invention to be either anticipated by, or obvious over, the teachings in Spicer. For at least these reasons, claim 13 is patentably distinct over Spicer.

Claims 14-25 depend from claim 13, and incorporate its limitations. For at least the reasons given above, it is submitted that these claims are also patentably distinct over Spicer.

New dependent claims 54 and 55 are proposed to be added, to recite additional disclosed aspects of embodiments of the invention. See, for instance, paragraph [0021] for a disclosure of environmental variables such as "chemical," "toxins," "biological," "noise" and "radiation" variables; and paragraph [0018], lines 10-12 for a disclosure of a "geographical area." These claims, for at least the reasons given above, are also patentably distinct over Spicer.

CONCLUSION AND PRAYER FOR RELIEF

In light of the foregoing, it is submitted that entering the proposed amendment will place the claims in condition for allowance. It is respectfully requested that the amendment be entered.

The Examiner is invited to contact the undersigned attorney by telephone, between 8:30 and 5:00 Pacific time, if it is believed that such a telephone interview will expedite resolution of this matter.

Respectfully submitted,

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